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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/615,726

07/09/2003

John B. Freese

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12/05/2006

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EXAMINER

SELF, SHELLEY M

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/615,726

Applicant(s)

FREESE ET AL.

Examiner

Shelley Self

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 and 32-49 is/are pending in the application.
- 4a) Of the above claim(s) 23-31 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-22 is/are allowed.
- 6) ☐ Claim(s) 32-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's remarks filed September 14, 2006 (Appeal Brief) have been considered, accordingly, the finality of the rejection of the last Office is withdrawn and an action on the merits follows.

Upon further consideration the indication of allowable subject matter with regard to claim 38 is withdrawn. This Office Action is made non-Final.

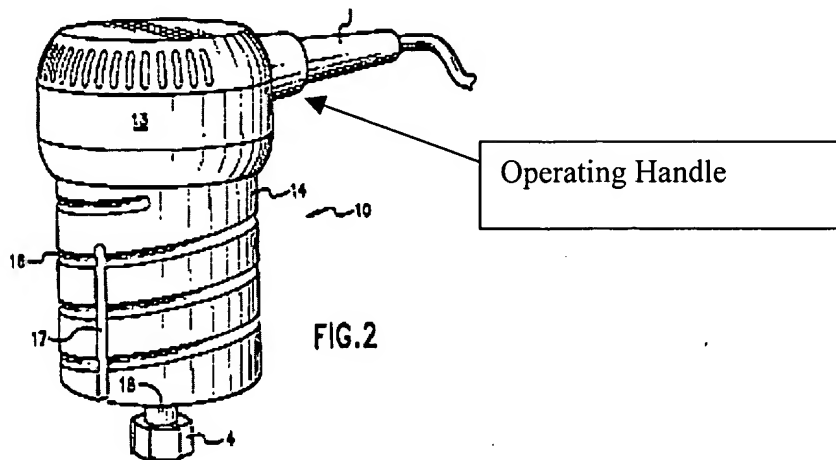
### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomayko (6,779,954). Tomayko discloses a motor assembly (fig. 1, 2) having a housing (10) containing a motor (col. 4, lines 59-60, a switch/operating controls (12), operating handles (fig. 2) attached to the housing; a fixed base (fig. 3) assembly into which said motor assembly can be removably installed, a depth adjustment mechanism (30) and a motor assembly locking mechanism for locking said motor assembly in said fixed base (col. 4, lines 65-68 to col. 5, lines 1-3).



Examiner notes the structure noted above in fig. 2 can be used as a handle to maneuver the motor assembly from the base (fig. 3). Further, Examiner notes that no structure as it relates to the handle has been positively recited. Examiner also notes that there is no recitation, to a plurality of handles, merely handles. In the event Applicant is attempting to claim more than one handle, see 35 U.S.C. rejection(s) below.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32, 33, 38, 39 and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rusconi (5,590,988) in view of Long et al (6,474,375). With regard to claims 32, 33, 44 and 45, Rusconi discloses a motor assembly having a housing containing a motor, operating handles attached to the base, a fixed base assembly into which said motor assembly

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can be removably installed, a depth adjustment mechanism, and a motor assembly locking mechanism (figs. 1, 2). Rusconi does not disclose operating handles attached to the housing or depth adjustment knob.

Long discloses a fixed base assembly, motor housing assembly containing a motor (12) housing (18) , handles (16r, 16l) attached to the motor housing and a depth adjustment knob. Because the references are from a similar art and deal with a similar problem, i.e. routing a workpiece via a hand router, it would have been obvious to the skilled artisan at the time of the invention to construct or rearrange, Rusconi's router to include the handles attached to the motor housing so as to better maneuver the router and a depth adjustment knob at a top side of the router motor housing for efficient depth control as taught by Long.

As to the recitation "fixed base", Examiner notes the claim as written has not positively recited any structure as it relates to the "fixed base", further, Examiner notes, both Rusconi and Long teach a base at which a depth of cut can be fixed, thus a fixed base assembly.

With regard to claim 38, Rusconi discloses a router comprising: a motor assembly having a housing containing a motor for driving an output shaft (9) to which a bit holding mechanism (10) can be attached, a plunge base assembly (fig. 1, 2) having a handles (11), a motor carrier assembly (3) and a sub-base structure having a planar bottom surface and a pair of spaced vertical guide posts (2) along which said motor carrier assembly can be vertically moved, said plunge base assembly having a motor assembly locking mechanism for removably locking said motor assembly in said motor carrier assembly (col. 3, lines 43-52; col. 4, lines 33-35) and a first depth control mechanism (12). Rusconi does not disclose handles attached to said housing or a plunge locking mechanism for holding said carrier assembly at a particular vertical position

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along said guide posts. Long teaches in a similar art, a router having a motor housing with operating handles (fig. 1) attached to the motor housing, the motor housing coupled to a plunge base assembly and a knob for efficient depth control. Long further teaches the plunge base assembly having vertical guide posts for vertical movement of the motor housing along the guide posts, a plunge locking mechanism (36) for holding said carrier assembly at a particular vertical position along said guide posts (col. 2, lines 61-65).

Because the references are from a similar art, and deal with a similar problem, i.e. depth control of a plunge base router, it would have been obvious at the time of the invention to one having ordinary skill in the art to rearrange Rusconi such that Rusconi's handles were attached to the motor housing so as to efficiently control and maneuver the router and to provide Rusconi with a plunge locking mechanism for holding the router at a desired depth as taught by Long.

With regard to claim 39, Rusconi does not disclose a depth adjustment controller as a knob located on the top side of the motor housing.

Long teaches a depth adjustment controller knob on a top side of a motor housing. Long teaches this construction for ease of depth adjustment. As noted above, because the references are from a similar art, it would have been obvious at the time of the invention to one having ordinary skill in the art to replace, Rusconi's depth adjustment controller (12, 13) with a knob depth adjustment controller on the top side of the motor housing for efficient depth adjustment as taught by Long.

With regard to claim 46, Rusconi discloses the motor housing capable of operating in a fixed base or a plunge base assembly. As to the handles attached to the motor housing, see above with reference to either claim 32, 38 or 44. examiner notes that because Rusconi

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explicitly discloses the motor housing completely removable from the base, it is inherent that it is capable of operating in either a fixed or plunge base assembly as the claimed invention is silent to any construction lending to how it is so capable. Examiner further notes that the mere recitation, "capable" is only an ability to so perform and does not impart any structural limitation within the claim.

With regard to claim 47, regarding the depth adjustment knob, Rusconi does not disclose a knob, however Rusconi does disclose depth adjustment, so for the reasons set forth above (clms. 33, 39) it would have been obvious to provide Rusconi with a depth adjustment knob as taught by Long.

As to the handles (clm. 48) both Rusconi and Long disclose handles having a portion. Long teaches handles having a horizontal shoulder portion, vertical grip portion extending to an elevation that can approve the elevation of the bottom of the base. For the reasons noted above with regard to claims 32 and 38, it would have been obvious to the skilled artisan to replace, Rusconi's handles with handles such as those having a horizontal shoulder portion and grip all attached to the motor housing for improved maneuvering of the motor housing as taught by Long.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rusconi (5,590,988) in view of Long et al (6,474,375) as applied to claim 46 above, and further in view of Hoshino et al . (5,207,253). Neither Rusconi nor Long discloses a power switch located in one of said handles. Hoshino teaches a router having handles (28) attached to a motor housing wherein operating controls including an on/off switch (40) are located in one of said handles (fig.

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5). Because the references are from a similar art it would have been obvious at the time of the invention to one having ordinary skill in the art to construct either Rusconi or Long having their operating controls/switch located in one of said handles so as to efficiently reach the switch for controlled operation as taught by Hoshino.

***Allowable Subject Matter***

Claims 1-22 are allowed.

Claims 34-37 and 40-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or fairly suggest a hybrid router comprising *a motor assembly having a housing and operating handles attached to said housing; a fixed base assembly into which said motor assembly can be removably installed and a first motor assembly locking mechanism; and a plunge base assembly having a motor carrier assembly, a plunge base assembly and a second motor assembly locking mechanism* in combination with the rest of the claimed limitations as set forth in claim 1.

The prior art of record does not disclose a router comprising base portion having *at least one segment of relatively thin wall around the circumference thereof... an elongated live hinge in said one relatively thin wall segment* in combination with the rest of the claimed limitations as set forth in claims 34 and 40.



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The prior art reference Tomayko (6,779,954), discloses a fixed base router (fig. 1) having a motor unit (10), a *fixed base* assembly (20) and a depth adjustment mechanism/ring (30) for adjusting the depth of cut of the cutting tool (4). Tomayko discloses the motor assembly unit (10) having a housing and operating controls (12), the motor assembly unit (10) to be removably installed into the *fixed base* assembly (20) as well as vertically movable/slidable (col. 5, lines 28-29) for positioning the router cutting tool (4) relative to the base. Tomayko further discloses operating handles attached to the base of the router unit. Tomayko does not disclose a *plunge base assembly, motor assembly locking mechanism for removably locking or a relatively thin wall segment*. Accordingly, Tomayko fails to anticipate or render obvious the claimed invention as set forth in claims 1, 34 and 40.

Prior art reference Pientka et al. (6,726,414) discloses a fixed based router (fig. 1) having a base (12), a motor housing (16) having an output shaft for driving a router bit (19) and a depth adjustment mechanism (14). Pientka also discloses that the base (12) has a *fixed base* attachment (26) but may be provided with a plunge base attachment (col. 2, lines 58-63). Pientka discloses handles (34, 36) attached to the fixed base (fig. 1) and operating controls (38, 39) associated with the handle (34) for controlling the router (10). Pientka does not disclose a *plunge base assembly, motor assembly locking mechanism for removably locking said motor or at least one segment of relatively thin wall around the circumference thereof*. Accordingly, Pientka fails to anticipate or render obvious the claimed invention as set forth in claims 1, 34 and 40.

Prior art reference Long et al. (6,419,429) discloses a plunge base router (fig. 1) the router comprising a motor assembly (12) including a motor housing (18), motor axis (20) and

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electric motor, a plunge base (14) having an annular body (28), columns (32r, 32l) extending upward from the plunge base (14) and mating with bushings (31r, 31l) of the motor assembly (12) so as to support the motor assembly (12). Long disclose the motor to have an output shaft (22) including a tool holder (24) for accepting a bit (26) and operating handles (16r, 16l). Long discloses the motor assembly to be vertically movable relative the base for positioning a desired depth of cut of the tool/bit (26). Further Long discloses a locking means (36) for locking the motor assembly at a desired depth or height. Long does not disclose a motor assembly locking mechanism for removably locking said motor assembly *or at least one segment of relatively thin wall around the circumference thereof*. Accordingly, Long fails to anticipate or render obvious the claimed invention as set forth in claims 1, 34 and 40.

Although, Tomayko discloses a motor housing removable from a fixed base, there is no motivation to combine Tomayko's removability with Long because, the structural differences in Long's plunge base configuration (columns, bushings) are such that a combination of the references would destroy Long.

Accordingly, neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claims 1, 34 and 40. Therefore claims 1-22 are deemed allowable over the prior art of record and claims 34-37 and 40-43 contain allowable subject matter over the prior art of record.

#### ***Response to Arguments***

As noted above, Applicants remarks filed (9/14/06) have been considered and are persuasive, according the finality of the previous Office Action is withdrawn.

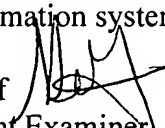
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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is 571-272-4524. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lowell Larson can be reached on 571-272-4519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SSelf   
Patent Examiner  
November 25, 2006